

DETAILED ACTION

This office action is in response to claims filed 11/30/09.

Allowable Subject Matter

Claims 1-7,10-13,15,16,48-54 are allowed.

The following is an examiner's statement of reasons for allowance: The applicant's arguments dated 11/30/09 are persuasive. The Shaw device is used for treating holes in the tissue and not for treating overlapping tissue. The examiner believes that combining a reference that teaches overlapping tissue is teaching away from the Shaw reference, as Figs. 33B and 33C of Shaw teach using the closure device on a hole. The prior art of record, alone or in combination, fails to teach, inter alia, a method of closing a patent foramen oval including a clip configuration as described, placing the clip so that the septum primum and septum secundum are overlapped and the channel is closed, locking the clip in place, and leaving the lock in the body after surgery .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA RYCKMAN whose telephone

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number is (571)272-9969. The examiner can normally be reached on Monday thru Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571)-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKR
/Melissa Ryckman/
Examiner, Art Unit 3773

/Julian W. Woo/
Primary Examiner, Art Unit 3773